

Benjamin Barber (pro-se)
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971-270-0855

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

GREAT NORTHERN RESOURCES, INC.,
DYNAMIC SERVICE FIRE AND SECURITY,
LLC, and WALTER VAN LEJA, on behalf of
themselves and others similarly situated

Case No. 3:20-cv-01866-IM (L)

MOTION TO INTERVENE
FRCP 24(a)(1)

Plaintiffs,

Hearing Requested.

vs.

KATY COBA, in her Official Capacity as State
Chief Operating Officer and Director of the Oregon
Department of Administrative Services; OREGON
DEPARTMENT OF ADMINISTRATIVE
SERVICES; THE CONTINGENT; BLACK
UNITED FUND OF OREGON; DOES 1-10,

Defendants,

Comes now Benjamin Barber appearing pro-se to move the court to allow him to intervene with the proposed settlement between the parties litigant pursuant to FRCP 24(a)(1). Benjamin Barber applied to the Oregon Cares Fund for Black Resiliency (Exhibit 1), he also moves on behalf of his half-sister Ramona Cortez, who has given the movant permission to pursue her claims, and both of whom are eligible to receive funds from the Oregon Cares Fund, with the exception of race. Benjamin Barber asks to move on behalf of his non applicant mentally disabled mother and step father Jane and Julio Cortez, who would be eligible if not for the fact they're mentally unable to complete the application.

The movement also claims that he has standing under taxpayer standing, because the legislature lacked the power to enact the legislation that directly violates the Oregon and United States constitution, to distribute tax payer funds contingent on race. Movant also claims that he has standing, that the notice of the organization "the contingent" and state defendants violated Oregon law and federal law, by publicizing that discrimination will occur in a place of public accommodation. Movant also believes that he may have a claim under the False Claims Act, because the state of Oregon has fraudulently

misused money appropriated for congress for corona virus purposes, and instead utilized it for the purpose of racial reparations.

Movant objects to the proposed settlement as agreed between the parties litigant, because it would prejudice his legal injuries, and the settlement does not correct the nature of the legal injury for other class members, and as such he would wish to opt out of any class action and file his own action if the current settlement is approved.

Objections

“The contingent” organization claims that of the \$62 million dollars that was apportioned to it by the legislature, that it has deposited with the court \$8,814,120.00 and has retained \$53,185,880 for administrative costs, which amounts to 85.15%. Movant alleges that the enactment by the legislature is void ab initio, as it violates the laws and constitution of Oregon and the United States, and is therefore not eligible to retain or administer any of the funds.

Moreover the proposed settlement proposes to release \$5,300,000.00 of the money that has been deposited with the court, to “resume disbursing those moneys to Fund applicants meeting the original Fund criteria“, however this would still create a disparate impact which would violate the Oregon and United States Constitution, because the pool of applicants would have a sample bias on the basis of race, as a direct result of the defendants unlawful acts of offering only for specific races.

Prayer for Relief

The movant would propose that all members be included in a single class action settlement, and that settlement would involve payment of the full amount \$62,000,000 to the Oregon Department of Human Services, or to the State of Oregon Treasury, or returned to the United States Treasury, in addition to a consent decree by the defendants to no longer discriminate on the basis suspect classification in any program administered by them.

Otherwise the movant would ask to have a different class representative, who would endeavor to prevent this and other future illegal activity by the defendants from occurring in the future, or allow him to represent the class in addition to himself in this or a subsequent action.

Date 3/17/2021

/S/ Benjamin Jay Barber

Exhibit #1

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Hi benjamin,

Thank you for submitting your grant application to the Oregon Cares Fund. A Community Response Coordinator will contact you using the information provided on your application. If you have any questions regarding your grant application or the Oregon Cares Fund, please view the FAQ page<<https://thecontingent.org/oregon-cares/faqs/>> for more information.

Please note funding decisions are not immediate or guaranteed. They are made in accordance with three application cycles. As a result, the earliest you will receive notification of approval or denial will be October 31. Thank you for your patience as we field thousands of requests from our neighbors across Oregon. We appreciate you trusting us with your story and the opportunity to partner with you in this difficult time.

Again, thank you for your submission.

=97 The Oregon Cares Fund Team

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<p>Hi benjamin,</p>
<p>Thank you for submitting your grant application to the Oregon Cares Fund. A Community Response Coordinator will contact you using the information provided on your application. If you have any questions regarding your grant application or the Oregon Cares Fund, please view the <a href=3D"https://thecontingent.org/oregon-cares/faqs/">FAQ page</a> for more information.</p>
<p>Please note funding decisions are not immediate or guaranteed. They are made in accordance with three application cycles. As a result, the earliest you will receive notification of approval or denial will be October 31. Thank you for your patience as we field thousands of requests from our neighbors across Oregon. We appreciate you trusting us with your story and the opportunity to partner with you in this difficult time.</p>
<p>Again, thank you for your submission.</p>
<p>=97 The Oregon Cares Fund Team</p>
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Certificate of Service

I, Benjamin Barber certify that on 3/17/2021 I have caused a copy of this motion to intervene to be served on to the parties by the CM/ECF and email on the following individuals.

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Fax: 503-796-2900
Email: naldrich@schwabe.com

Date 3/17/2021

/S/ Benjamin Jay Barber